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 Attorneys for the United States

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	2:12-CR-468-GMN-(GWF)
)	
ULISES RAMOS-VILLALOBOS,)	
)	
Defendant.)	
)	

**UNITED STATES OF AMERICA'S NOTICE THAT ITS INTERESTS AND RIGHTS
 EXPIRED IN PROPERTY LISTED IN THE PRELIMINARY ORDER OF FORFEITURE
 AND THE FINAL ORDER OF FORFEITURE AS TO
 DEFENDANT ULISES RAMOS-VILLALOBOS**

The United States of America, by and through Daniel G. Bogden, United States Attorney for the District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney, respectfully notifies this Honorable Court that its interests and rights in the following property expired pursuant to Title 21, United States Code, Section 853(h):

1. a 9mm Beretta, semiautomatic handgun, bearing serial number BER4559342;
- and
2. any and all ammunition ("property").
- ...

1 This Notice is made and is based on the papers and pleadings on file herein and the attached
2 Memorandum of Points and Authorities.

3 A proposed order is submitted with this Notice.

4 Dated this 22nd day of August, 2013.

5 DANIEL G. BOGDEN
6 United States Attorney

7 /s/ Daniel D. Hollingsworth
8 DANIEL D. HOLLINGSWORTH
9 Assistant United States Attorney
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MEMORANDUM OF POINTS AND AUTHORITIES

A Three-Count Criminal Indictment was returned against Ulises Ramos-Villalobos (“Ramos-Villalobos”) on December 12, 2012. Criminal Indictment, ECF No. 11. Ramos-Villalobos pled guilty to Counts One and Three of the Criminal Indictment (ECF No. 11). Change of Plea Minutes, ECF No. 21; Plea Agreement, ECF No. 22. This Court entered the Preliminary Order of Forfeiture (ECF No. 24) on April 2, 2013, and the Final Order of Forfeiture as to Defendant Ramos-Villalobos (ECF No. 29) on July 16, 2013, which listed the following property:

1. a 9mm Beretta, semiautomatic handgun, bearing serial number BER4559342;
- and
2. any and all ammunition (“property”).

The United States of America (“United States”) does not have custody of the property listed in the Preliminary Order of Forfeiture (ECF No. 24) and the Final Order of Forfeiture as to Defendant Ramos-Villalobos (ECF No. 29).

The United States’ forfeited interests and rights in the property listed in the Preliminary Order of Forfeiture have expired. “Any property right or interest not exercisable by, or transferrable for value to, the United States shall expire and shall not revert to the defendant . . .” Title 21, United States Code, Section 853(h); Title 18, United States Code, Section 1963(f); *see also United States v. Conner*, 603 F. Supp.2d 890, 896 (W.D. Va. 2009).

Based on the foregoing, this Court should enter an order indicating (a) the United States’ interests and rights in the property listed in the Preliminary Order of Forfeiture (ECF No. 24) and Final Order of Forfeiture as to Defendant Ramos-Villalobos (ECF No. 29) have expired; (b) the Preliminary Order of Forfeiture (ECF No. 24) and Final Order of Forfeiture as to Defendant Ramos-Villalobos (ECF No. 29) are null and void; (c) and the property listed in the Preliminary Order of Forfeiture (ECF No. 24) and Final Order of Forfeiture as to Defendant Ramos-Villalobos (ECF No.

...

...

1 29) will not revert back to Ramos-Villalobos and/or any person acting in concert with him and/or on
2 his behalf.

3 Dated this 22nd day of August, 2013.

4 DANIEL G. BOGDEN
5 United States Attorney

6 /s/ Daniel D. Hollingsworth
7 DANIEL D. HOLLINGSWORTH
8 Assistant United States Attorney
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 2:12-CR-468-GMN-(GWF)
)
ULISES RAMOS-VILLALOBOS,)
)
Defendant.)

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America's interests and rights expired in:

1. a 9mm Beretta, semiautomatic handgun, bearing serial number BER4559342;
- and
2. any and all ammunition ("property").

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Preliminary Order of Forfeiture (ECF No. 24) and the Final Order of Forfeiture as to Defendant Ulises Ramos-Villalobos (ECF No. 29) entered in this case are null and void;

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the above-named
2 property does not revert to ULISES RAMOS-VILLALOBOS and/or any person acting in concert
3 with him and/or on his behalf.

4 IT IS SO ORDERED:

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6
7 Gloria M. Navarro
8 United States District Judge

9 **DATED: 08/23/2013**